

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JONATHAN AMADOR ACEVEDO, :
MITCHELL BRATTON, JEREMY :
BUSSE, STEPHEN PULLUM, ERIC :
MIGDOL, and JOSE GONZALEZ, : CIVIL ACTION NO. 3:13-2529
individually and on behalf of all :
others similarly situated, : (JUDGE MANNION)
:
Plaintiffs, :
:
v. :
:
BRIGHTVIEW LANDSCAPES, LLC, :
(f/k/a/ THE BRICKMAN GROUP :
LTD. LLC), :
:
Defendant. :
:

ORDER

In light of the court's memorandum issued this same day, **IT IS HEREBY ORDERED THAT** the named plaintiffs' motion for final approval of the parties' amended settlement agreement, (Doc. [122](#)), is **GRANTED** as follows:

- (1) The State Settlement Class as defined in the court's memorandum is finally certified under Federal Rule of Civil Procedure 23;
- (2) The Collective Group as defined in the court's memorandum is finally certified under Section 16(b) of the Fair Labor Standards Act ("FLSA");
- (3) Named plaintiffs Jonathan Amador Acevedo, Mitchell Bratton, Jeremy Busse, Stephen Pullum, Eric Migdol, and Jose Gonzalez are finally approved as the Representatives of the FLSA Collective Group and the State Settlement Class;
- (4) Berger & Montague, P.C. and Head Law Firm, LLC are finally approved as Class Counsel for the FLSA Collective Group and

- the State Settlement Class;
- (5) The parties amended settlement agreement, (Doc. [118](#)-3), is finally approved under Rule 23(e) and the FLSA;
 - (6) Dahl Administration, LLC (“Dahl”) is finally approved as the parties’ Settlement Administrator;
 - (7) The final gross settlement fund is approved in the amount of \$4,773,269.69, with a gross amount of \$3,250,000.00 allocated to Group 1 and a gross amount of \$1,523,269.69 allocated to Group 2; the plan of allocation and plan of distribution set forth in the Declaration of Kelly Kratz on behalf of Dahl, (Doc. [125](#)), is also approved;
 - (8) The cost of Dahl’s settlement administration in the amount of \$15,882.00 is granted and approved; and
 - (9) Service awards in the amount of \$5,000.00 for Jonathan Amador Acevedo, and \$1,000.00 for each of the remaining five (5) named Class Representatives are granted and approved.

IT IS FURTHER ORDERED THAT the named plaintiffs’ motion for attorneys’ fees and costs, (Doc. [121](#)), is **GRANTED** as follows: (1) Attorneys’ fees in the amount of 31.6667% of the gross claimed settlement fund (a total of \$1,511,536.99) is approved; and (2) Reimbursement for class counsels’ out-of-pocket costs is approved in the amount of \$48,950.62.

IT IS FURTHER ORDERED THAT class counsel will comply with all required reporting and submittal obligations for any unclaimed funds in accordance with any applicable state laws regarding unclaimed property and will provide a status report to the court on the one-year anniversary of the Effective Date (as defined in the amended agreement) concerning any

unclaimed funds. The Clerk of Court shall mark this case as administratively closed.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATED: October 2, 2017

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